

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2012-0025 CX**

July 2012

Radio Repeater Site

Location: South of Paonia Reservoir, Gunnison County, CO

**U.S. Department of the Interior
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2012-0025

CASEFILE: COC- 75395

PROJECT NAME: Radio Repeater Site

PLANNING UNIT: Uncompahgre Basin Resource Management Unit

LEGAL DESCRIPTION: 6th Principal Meridian, Colorado,
T. 13 S., R. 89 W., Section 9, Lot 5.

APPLICANT: Delta Montrose Electric Association (DMEA)

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a lease to DMEA for the construction, maintenance and operation of a radio repeater communication site. The facility is needed for safety purposes to provide more reliable radio coverage for DMEA crews working in the North Fork area, especially during periods of inclement weather. The project area is located just south of Paonia Reservoir.

The proposed project includes the following: a 25' x 25' radio repeater site with an 8' x 10' prefabricated concrete equipment building, and a 40' wooden pole with a whip antennae attached at the top. Potentially a 2 ½ to 3-foot dish antennae may also be attached approximately 10 to 20 feet above ground level; however the dish antennae may not be needed at the site. The antennae must be located within line-of-sight to transmit back to DMEA's equipment on the TV Hill Communication Site and also must be located near the western edge of the ridge-top to provide north/south radio coverage throughout the valley. This specific location is critical in providing radio coverage that currently does not exist. The radio site will be contained entirely within DMEA's existing 25-foot wide powerline right-of-way authorized in June 2011, (DOI-BLM-CO-S050-2010-0043 CX). The proposed location is within a "blown out" area of existing disturbance along the powerline right-of-way, see attached photo.

VRM mitigation: The 40' pole holding the antenna should blend with the existing powerline poles and therefore not be noticeable. The whip antennae located at the top of the pole will blend in with the tree line within a short distance from the pole. The microwave dish, should it be required, would be located within 10 to 20 feet from ground level, and should blend in with the existing trees. The dish would not be visible other than perhaps along a stretch of Highway

133 east of Somerset. The dish would be painted an appropriate color to blend with the surrounding environment, depending on the selected height of the antenna.

The lease would be authorized under FLPMA for 30 years and would be subject to the attached stipulations, see Exhibit C. DMEA's facilities are recognized under the Rural Electrification Act and are rental exempt.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: Uncompahgre Basin Resource Management Unit

Date Approved: July 1989

Decision Number/Page: MU-16, General Land Uses, page 156

Decision Language: No single resource or resource use would have management priority. Lands cases would be analyzed and processed on a case-by-case basis.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: E(12) which allows for grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way. None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	_____	<u> X </u>
2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	_____	<u> X </u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	_____	<u> X </u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	_____	<u> X </u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	_____	<u> X </u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	_____	<u> X </u>
7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.	_____	<u> X </u>

8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. _____ X
9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations. _____ X
11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. _____ X
12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. _____ X

INTERDISCIPLINARY REVIEW:

Name	Title	Area of Responsibility
Linda Reed	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural Resources
Julie Jackson	Outdoor Recreation Planner	Visual Resource Management
Melissa Siders	Wildlife Biologist	Wildlife, Fish, TES and Migratory Birds

REMARKS:

VRM Concerns: Proposed mitigation and stipulations in proposed action will minimize impacts to visual impacts.

Cultural Resources: The proposed project area was inventoried for Cultural Resources in July 2010 by Grand River Institute (GRI 2010 by Carl Conner). There are no known or anticipated National Register or otherwise eligible sites within the project area and no further work is required.

Native American Religious Concerns: There are none known or anticipated.

Threatened and Endangered Species:

- Migratory Birds and Raptors: It is recommended that no surface disturbing activities occur from May 15 through July 15 to reduce impacts to migratory birds and their reproduction.
- Reptiles: Avoid killing or harming any snakes or lizards observed in the area.
- To protect wintering big game, bald eagles, and other crucial wildlife habitats, no surface disturbing activities shall occur from December 1 through April 30.
- To avoid impacts to Canada lynx,
 - No surface disturbing activities shall occur from December 1 through April 30.

- No over-snow travel or snow compacting activities are permitted in association with this project and its maintenance unless repairs are deemed an emergency.
- For emergencies during lynx habitat winter timing restrictions the holder will notify the BLM as soon as possible if any surface disturbing or over-snow travel activities, including repairs or maintenance, have occurred including documentation of the nature of the emergency, extent of vehicular use and duration. Any damage to resources caused by emergency repairs will be repaired as directed by the authorized officer as soon as possible after the occurrence. All activities will stay within the existing right-of-way.

NAME OF PREPARER: Linda Reed July 18, 2012

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE: 7/19/12

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, # E(12). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Barbara Sharrow
 Barbara Sharrow,
 Uncompahgre Field Office, Field Manager

DATE SIGNED: 7/20/12

Special Stipulations

1. The radio repeater site is 25 feet by 25 feet, containing 0.014 acres and contains the following: an 8' x 10' prefab concrete equipment building and a 40' wooden pole with a whip antennae attached at the top and potentially a 2 ½ to 3-foot dish antennae attached approximately 10 to 20 feet above ground level. The proposed radio site will be contained entirely within DMEA's existing 25'-wide powerline right-of-way, COC-36666, which will provide power to the radio site. Emergency back-up power will be provided by batteries located inside the building. Access to the site is from County Road 12 and then across private property (currently owned by Bear Ranch). Access on the public land is from the existing powerline road to the extent available and then along the powerline right-of-way. See Exhibit B, Site Plan.
2. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Linda Reed, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
3. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the lease granted herein. Any relocation, additional construction, or use that is not in accord with these approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the Communication Use Lease, including all stipulations and exhibits shall be made available at the right-of-way site during construction, operation and termination of the facility. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
4. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the Authorized Officer after consulting with the holder.

5. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the Authorized Officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the Authorized Officer.
6. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/ herbicides shall be approved in writing by the authorized officer prior to such use.
7. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations), including pesticides/herbicides approved for use on BLM land.
8. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
9. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
10. The Authorized Officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

11. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this lease.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four inches deep, the soil shall be deemed too wet to adequately support the construction equipment.
14. The holder shall disturb only the minimum amount of soils necessary for the construction, operation and maintenance of the facilities authorized herein. Disturbed areas shall be backfilled, compacted, and recontoured by grading to restore the site to the pre-existing condition of the ground as determined by the authorized officer. The holder shall restore drainage to minimize erosion. Excess excavated, unsuitable material and cleared vegetative materials shall be disposed of as directed by the authorized officer.
15. The holder is responsible for notifying the authorized officer for any change in: 1) property ownership, 2) contact representative, 3) address and 4) phone number for the holder and to keep this information current for the administrative record.
16. The microwave antenna cover(s) must be a color pre-approved by the BLM. Typically a dark grey color is preferred; white covers will not be approved. Depending on the height of the dish antenna, a dark green color may blend better with the surrounding vegetation.
17. Only non-reflective, BLM approved colors shall be used on the equipment building.
18. The BLM right-of-way serial number (COC-75395) shall be posted on the door of the equipment building. It is recommended a current emergency telephone number be provided on the sign.
19. All structures shall meet the requirements of the latest codes governing designs of facilities as outlined in the Uniform Building Codes. All construction, operation and maintenance of facilities shall meet specifications contained in Motorola's publication "Standards and Guidelines for Communications Sites R56", most recent edition (a.k.a., Motorola R56 standards). All electric facilities, equipment and their installation shall conform to the current National Electrical Safety Code and applicable laws and regulations.
20. To avoid possible impacts to birds or bats, follow the most current version of the U.S. Fish & Wildlife Service's Interim Guidelines on the Siting, Construction, Operation and Decommissioning of Communication Towers, available at the following website:
<http://migratorybirds.fws.gov/issues/towers/comtow.html>.
21. Prior to termination of the right-of-way, the holder shall contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is

not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding, as determined necessary. The Authorized Officer must approve the plan in writing prior to the holder's commencement of any termination activities.

22. The following mitigation measures are for the protection of threatened and endangered species:

- Migratory Birds and Raptors: It is recommended that no surface disturbing activities occur from May 15 through July 15 to reduce impacts to migratory birds and their reproduction.
- Reptiles: Avoid killing or harming any snakes or lizards observed in the area.
- To protect wintering big game, bald eagles, and other crucial wildlife habitats, no surface disturbing activities shall occur from December 1 through April 30.
- To avoid impacts to Canada lynx:
 - a. No surface disturbing activities shall occur from December 1 through April 30.
 - b. No over-snow travel or snow compacting activities are permitted in association with this project and its maintenance unless repairs are deemed an emergency.
 - c. For emergencies during lynx habitat winter timing restrictions the holder will notify the BLM as soon as possible if any surface disturbing or over-snow travel activities, including repairs or maintenance, have occurred including documentation of the nature of the emergency, extent of vehicular use and duration. Any damage to resources caused by emergency repairs will be repaired as directed by the authorized officer as soon as possible after the occurrence. All activities will stay within the existing right-of-way.

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Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2012-0025 CX)

PROJECT NAME: Radio Repeater Site

DECISION: It is my decision to issue a communication site lease to Delta Montrose Electric Association (DMEA) for the construction, operation and maintenance of a radio repeater site to be located south of Paonia Reservoir in Gunnison County, Colorado. The radio site is needed to improve radio communications with DMEA crews working within the North Fork area especially during times of inclement weather.

The project entails the following: a 25' x 25' site, containing 0.014 acres, with an 8' x 10' equipment building and a 40' wooden pole with a whip antennae attached at the top. Potentially a 2 ½ to 3-foot dish antennae may be required at the site and would be attached to the pole approximately 10 to 20 feet above ground level. The radio site is contained entirely within DMEA's existing powerline right-of-way, COC-36666. Access to the site on the public land is from the existing powerline road to the extent available and then along the powerline right-of-way.

The right-of-way would be authorized under FLPMA for 30 years with the right of renewal and would be subject to the attached special stipulations, see Exhibit C.

MITIGATION MEASURES:

All stipulations shown in Exhibit C of the CX will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(12). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Linda Reed

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Bruce Krickbaum

DATE 7/19/12

SIGNATURE OF AUTHORIZED OFFICIAL /s/ Barbara Sharrow
Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED 7/20/12